

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/31/2022

STADIUM CAPITAL LLC, on behalf of  
itself and all others similarly situated,

Plaintiff,

v.

CO-DIAGNOSTICS, INC., DWIGHT H.  
EGAN, and BRIAN L. BROWN,

Defendants.

Case No.: 1:22-cv-06978-MKV

**STIPULATION AND ~~[PROPOSED]~~  
ORDER REGARDING TIME TO  
RESPOND TO COMPLAINT**

Plaintiff Stadium Capital LLC (“Plaintiff”) and Defendants Co-Diagnostics, Inc., Dwight H. Egan, and Brian L. Brown (collectively, “Defendants,” and together with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows and jointly request that the Court enter the below order approving this stipulation:

WHEREAS, on August 16, 2022, Plaintiff filed the above-captioned securities fraud class action (the “Complaint,” ECF No. 1) asserting claims on behalf of a putative class under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b) and 78t(a), and Rule 10b-5 promulgated thereunder, that are subject to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), which provides for a specific process for the appointment of lead plaintiff and lead counsel to represent the putative class;

WHEREAS, the PSLRA provides that (i) not later than 20 days after the date on which the complaint is filed, the plaintiff shall publish a notice advising members of the purported plaintiff class, (ii) not later than 60 days after the date on which the plaintiff publishes that notice, any member of the purported class may move the Court to serve as lead plaintiff, and (iii)

not later than 90 days after the date on which plaintiff publishes the notice, the Court shall appoint a lead plaintiff for the putative class. *See* 15 U.S.C. § 77z-1(a)(3)(A)-(B); 15 U.S.C. § 78u-4(a)(3)(A)-(B);

WHEREAS, counsel for Plaintiff published a notice on August 16, 2022 that any member of the putative class has until October 17, 2022 to request that the Court appoint such member to serve as lead plaintiff for the putative class;

WHEREAS, the Parties agree that the filing of an answer or pre-motion letter responding to the Complaint would be premature prior to the entry of an Order by the Court pursuant to the PSLRA appointing a lead plaintiff and lead counsel, and the filing of an amended or consolidated complaint by the lead plaintiff or the designation of an existing complaint as the operative complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, and respectfully requested, by the parties hereto, by and through their undersigned counsel, subject to the approval of the Court, as follows:

1. Defendants shall not be required to answer, submit a pre-motion letter for a motion to dismiss pursuant to Rule 4(A)(i) of this Court's Individual Rules, or otherwise respond to the Complaint until after a lead plaintiff has been appointed and lead plaintiff has filed an amended or consolidated complaint or designated an existing complaint as the operative complaint;
2. Within fourteen (14) days of the resolution of any motion(s) for the appointment of Lead Plaintiff pursuant to 15 U.S.C. § 78u-4, Lead Plaintiff and Defendants shall meet and confer and jointly submit a proposed schedule for the filing of any amended

complaint and for the filing of a responsive pleading, including a briefing schedule with respect to any anticipated motion to dismiss.

Dated: August 31, 2022

/s/ Jason A. Uris

**KAPLAN FOX & KILSHEIMER LLP**

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*Counsel for Plaintiff*

Dated: August 31, 2022

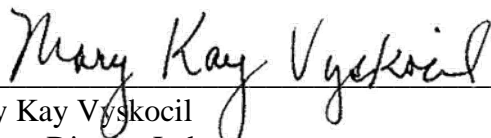
/s/ Michael Nacht

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*Counsel for Defendants*

SO ORDERED this 31 day of August, 2022.

  
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Hon. Mary Kay Vyskocil  
United States District Judge